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2 KING COUNTY
3 SUPERIOR COURT CLERK
4 E-FILED
5 CASE NUMBER: 18-2-09313-9 SEA
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8 **SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

9
10 HEIDI CHIAT,) NO. _____
11 Plaintiff,)
12 v.)
13 STATE OF WASHINGTON, DEPARTMENT) SUMMONS (20/60 DAYS)
14 OF SOCIAL AND HEALTH SERVICES,)
15 MARCY FOMIN, LINDA TOWNSEND-)
16 WHITHAM, TANYA KEENAN, SHAWN)
17 SIVLY, CHRISTIEN STORM, DARLA)
ABBAS, THERESA BURTON, ROXANNE)
KAR and ANTHONY KAR,)
Defendant.)

18

19 TO THE DEFENDANTS, STATE OF WASHINGTON, DEPARTMENT OF SOCIAL
20 AND HEALTH SERVICES, MARCY FOMIN, LINDA TOWNSEND-WHITHAM, TANYA
21 KEENAN, SHAWN SIVLY, CHRISTIEN STORM, DARLA ABBAS, THERESA BURTON,
22 ROXANNE KAR and ANTHONY KAR:
23

24 A lawsuit has been started against you in the above entitled court by HEIDI CHIAT,
25 Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you
26 with this Summons.
27

28 **SUMMONS (20/60 DAYS) -- 1**

Lake Hills Legal Services P.C.
15600 N.E. 8th Street, # B1-358
Bellevue, Washington 98008
Telephone: (425) 829-5305
E-mail: rp98007@gmail.com

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated: April 9, 2018

Signed: /s/ Richard L. Pope, Jr.

RICHARD L. POPE, JR.

WSBA # 21118

Attorney for Plaintiff

Lake Hills Legal Services P.C.
15600 N.E. 8th Street, Suite B1-358
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Tel: (425) 829-5305
Fax: (425) 526-5714
E-Mail: rp98007@gmail.com

SERVE A COPY OF YOUR ANSWER
ON PLAINTIFF'S ATTORNEY:

RICHARD L. POPE, JR.
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SUMMONS (20/60 DAYS) -- 2

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9
10 HEIDI CHIAT,) NO. _____
11 Plaintiff,)
12 v.)
13 STATE OF WASHINGTON, DEPARTMENT) COMPLAINT FOR DAMAGES
14 OF SOCIAL AND HEALTH SERVICES,)
15 MARCY FOMIN, LINDA TOWNSEND-)
16 WHITHAM, TANYA KEENAN, SHAWN)
17 SIVLY, CHRISTIEN STORM, DARLA)
ABBAS, THERESA BURTON, ROXANNE)
KAR and ANTHONY KAR,)
Defendant.)

18
19

Parties

- 20 1. Plaintiff HEIDI CHIAT is a resident of King County, Washington.
21 2. Defendant DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) is
an agency of Defendant STATE OF WASHINGTON.
22
23 3. Defendants MARCY FOMIN, LINDA TOWNSEND-WHITHAM, TANYA
KEENAN, SHAWN SIVLY, CHRISTIEN STORM, DARLA ABBAS, and THERESA
BURTON are believed to be DSHS employees working in King County, Washington, who are
24
25
26 believed to be the individual employees responsible for the wrongful actions of DSHS.
27
28

COMPLAINT FOR DAMAGES -- 1

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4. Defendants ROXANNE KAR and ANTHONY KAR are believed to be residents of Snohomish County, believed to be married to each other, and were the foster parents of Plaintiff's oldest child Kelly Chiat and were involved in alienating her from her mother.

Jurisdiction and Venue

5. This court has proper venue and jurisdiction as the Plaintiff and many of the individual Defendants reside or work in King County, Washington and some or most of the actions complained of herein occurred in whole or in part in King County, Washington.

Basis of Claim

6. DCFS/CPS social workers from DSHS wrongly took Plaintiff's children Kelly Chiat and John Bernard Chiat on or about 09/25/2014 due to alleged child neglect and parental incapacity. There was no legitimate factual basis for doing so.

7. DSHS workers violated court orders issued in the ensuing dependency, including a shelter care order on or about 09/29/2014. They did not allow Plaintiff to visit her children nearly as often as the court ordered, and practically no contact at all with Kelly.

8. They failed to return John Bernard to Plaintiff, despite Plaintiff's timely compliance with the 09/29/2014 order. This child was finally returned on or after 11/12/2014.

9. DSHS workers placed Kelly with Roxanne Kar and Tony Kar with the intention of them permanently adopting Kelly and alienating the parent child relationship forever. There was no finding of dependency, much less any permanency planning order for adoption of Kelly

10. The dependency with respect to Kelly was dismissed after trial in April 2015 when DSHS failed to prove its dependency case. Kelly was then returned to Plaintiff after this point.

11. DSHS workers immediately engaging in a retaliatory and baseless investigation against Plaintiff immediately after Kelly was returned by the Court.

12. DSHS made improper and baseless administrative findings that Plaintiff had neglected her children, which damaged her professional career as a teacher and prevented her from being employed as such until the findings were finally dismissed. These findings were made even though DSHS made no allegations of neglect in its dependency petition.

13. DSHS maintained these neglect findings for several months after Plaintiff was cleared of all them through findings made by the Court at the April 2015 dependency trial, before finally withdrawing them in July 2015.

14. DSHS negligently investigated this case and failed to comply with court orders.

15. DSHS and the Defendants Roxanne Kar and Anthony Kar intended to alienate the affection of the children with Plaintiff, especially Kelly, and damage or destroy the parent-child relationship. They told Kelly Chiat that the Kars would be adopting her, and otherwise tried to actually destroy the parent-child relationship, even though there had never been any finding of dependency or any direction by the Court to pursue adoption as a permanency plan. Even after the dependency was dismissed and Kelly was returned to Plaintiff, the Defendants Kar persisted in contacting Kelly and otherwise interfering with the parent-child relationship.

16. DSHS denied Plaintiff's constitutional right to due process and her fundamental right to her parent child relationship.

17. DSHS retaliated against Plaintiff for exercising her fundamental rights.

Causes of Action

18. Defendants are liable to Plaintiff for tortious interference with the parent-child relationship.

19. Defendants are liable to Plaintiff for outrage and intentional and/or negligent infliction of emotional and mental distress.

20. Defendants are liable to Plaintiff for negligence.

21. Defendants are liable to Plaintiff for negligent investigation of child abuse and neglect pursuant to Chapter 26.44 RCW.

22. Defendants are liable to Plaintiff for violation of court orders.

23. DSHS employee Defendants are liable for violation Plaintiff's federal constitutional rights (including those rights under the Fourth and Fourteenth Amendments to the United States Constitution) regarding the custody and control of her minor children (and federal statutory duties as well pertaining to child welfare situations), under color of state law, which are

1 actionable under 42 U.S.C. § 1983. This was also a violation of Plaintiff's right to due process
2 of law concerning her minor children and the parent-child relationship under the Fourteenth
3 Amendment, and retaliation in violation of the First and Fourteenth Amendments, under color of
4 state law, also actionable under 42 U.S.C. § 1983.

5 24. Defendants are liable to Plaintiff for malicious prosecution and abuse of process
6 concerning the dependency petitions and the administrative findings concerning child neglect.

7 25. Plaintiff filed a proper administrative tort claim against the State of Washington on
8 November 13, 2017 under Chapter 4.92 RCW. More than 60 days have passed since the filing
9 of this administrative tort claim and the initiation of the present lawsuit.

10 **Prayer for Relief**

11 Wherefore Plaintiff prays for judgment against the Defendants as follows:

- 12 1. Actual damages in such sum as may be determined by trial or other proceedings.
13 2. Punitive damages in such sum as may be determined by trial or other proceedings.
14 3. Reasonable attorney fees and all taxable costs of this action.
15 4. All other general and equitable relief that may be just or appropriate.

16 Respectfully submitted this 9th day of April 2018.

17
18
19 */s/ Richard L. Pope, Jr.*
20 RICHARD L. POPE, JR.
WSBA # 21118
Attorney for Plaintiff

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